

FILED

FEB 11 2013

Board of Vocational Nursing
and Psychiatric Technicians

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 SHAWN P. COOK
Deputy Attorney General
4 State Bar No. 117851
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-9954
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2009-841

13 **ROXANE A. ROBINSON**
10239 1/2 8th Avenue
14 Inglewood, CA 90303

A C C U S A T I O N

15 Vocational Nurse License No. VN 155367

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in
20 her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric
21 Technicians.

22 2. On or about January 29, 1992, the Board of Vocational Nursing and Psychiatric
23 Technicians (Board) issued Vocational Nurse License No. VN 155367 to Roxane Alberta
24 Robinson (Respondent). The Vocational Nurse License was in full force and effect at all times
25 relevant to the charges brought herein and will expire on August 31, 2013, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

5. Section 490 states, in pertinent part:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code...."

6. Section 2878 states, in pertinent part:

"The board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

"(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction...."

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

- 2
- 3
- 4

5

6
7
8
9
10

11
12
13
14

15

16

17

18
19
20

21

22

23
24

25

26
27
28

1 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
2 vocational nurse to perform the functions authorized by his license in a manner consistent with
3 the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those
4 involving the following:

5

6 (c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
7 violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the
8 Code....”

9 **COST RECOVERY**

10 10. Section 125.3 states, in pertinent part, that the Board may request the administrative
11 law judge to direct a licensee found to have committed a violation or violations of the licensing
12 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
13 case.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Conviction of a Substantially Related Crime)**

16 11. Respondent is subject to disciplinary action under sections 2878, subdivision (f), and
17 490, in conjunction with California Code of Regulations, title 16, section 2521, in that
18 Respondent has been convicted of crimes substantially related to the qualifications, functions, or
19 duties of a licensed vocational nurse, as follows:

20 a. On or about August 1, 2008, after pleading nolo contendere, Respondent was
21 convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [driving with
22 blood alcohol of 0.08% or more] in the criminal proceedings entitled *The People of the State of*
23 *California v. Roxane Alberta Robinson* (Super. Ct. Los Angeles County, 2008, No. 8IG03328).
24 The Court placed Respondent on 48 months probation and ordered Respondent to complete the
25 Hospital and Morgue Program and Victim Impact Program.

26 b. The circumstances surrounding the conviction are that on or about July 31, 2008,
27 Respondent was involved in a traffic collision, while driving with a tested blood alcohol level of
28 0.30%.

1 c. On or about June 10, 1999, after pleading nolo contendere, Respondent was convicted
2 of one misdemeanor count of violating Vehicle Code section 23152(b) [driving with blood
3 alcohol of 0.08% or more] in the criminal proceedings entitled *The People of the State of*
4 *California v. Roxane Alberta Robinson* (Super. Ct. Los Angeles County, 1999, No. 9IW04595).
5 The court placed Respondent on three years probation and ordered Respondent to complete an
6 18-month treatment program.

7 d. The circumstances surrounding the conviction are that on or about June 8, 1999,
8 Respondent struck a parked car, while driving with a tested blood alcohol level of 0.23%.

9 e. On or about August 24, 1992, after pleading nolo contendere, Respondent was
10 convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [driving with
11 blood alcohol of 0.08% or more] and one misdemeanor count of violating Vehicle Code section
12 20002(A)(1) [leaving the scene of an accident with property damage] in the criminal proceedings
13 entitled *The People of the State of California v. Roxane Alberta Robinson* (Super. Ct. Los
14 Angeles County, 1992, No. 92M06384). The court placed Respondent on three years probation
15 and ordered Respondent to complete a First-Offender Alcohol program.

16 f. The circumstances surrounding the conviction are that on or about July 26, 1992,
17 Respondent rear-ended another vehicle and fled the scene of the accident, while driving with a
18 tested blood alcohol level of 0.29/0.28%.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Alcohol Related Convictions)**

21 12. Respondent is subject to disciplinary action under section 2878, subdivision (f), on
22 the grounds of unprofessional conduct, in that on or about July 31, 2008, June 8, 1999, and July
23 26, 1992, Respondent was convicted of crimes involving alcoholic beverages. Complainant refers
24 to, and by this reference incorporates, the allegations set forth above in paragraph 11,
25 subparagraphs a through f, inclusive, as though set forth fully.

26 ///

27 ///

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Illegal Use of Drugs/ Alcohol Posing Danger to Public & Impair Practice)**

3 13. Respondent is subject to disciplinary action under sections 2878, subdivision (a) and
4 2878.5, subdivision (b), on the grounds of unprofessional conduct, in that on or about July 31,
5 2008, June 8, 1999, and July 26, 1992, Respondent consumed alcohol in manner that was
6 dangerous to the public and impaired her ability to conduct with safety to the public the practice
7 authorized by her license. Complainant refers to, and by this reference incorporates, the
8 allegations set forth above in paragraphs 11-12, inclusive, as though set forth fully.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Failure to Abstain from Chemical/Substance Abuse)**

11 14. Respondent is subject to disciplinary action under sections 2878, subdivision (a), and
12 California Code of Regulations, title 16, section 2518.6, subdivision (b)(4), on the grounds of
13 unprofessional conduct, in that on or about July 31, 2008, June 8, 1999, and July 26, 1992,
14 Respondent failed to abstain from alcohol. Complainant refers to, and by this reference
15 incorporates, the allegations set forth above in paragraphs 11-13, inclusive, as though set forth
16 fully.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct/Crimes Substantially Related to Licensure)**

19 15. Respondent is subject to disciplinary action under section 2878, subdivision (a), in
20 that on or about July 31, 2008, June 8, 1999, and July 26, 1992, Respondent committed crimes
21 substantially related to her licensure. Complainant refers to, and by this reference incorporates,
22 the allegations set forth above in paragraphs 11-14, inclusive, as though set forth fully.

23 **PRAYER**

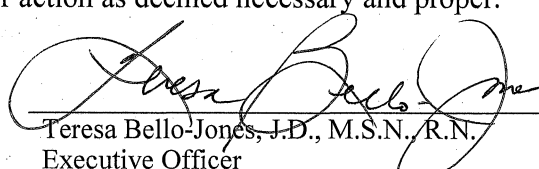
24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board issue a decision:

26 1. Revoking or suspending Vocational Nurse License No. VN 155367, issued to Roxane
27 Alberta Robinson;
28

1 2. Ordering Roxane Alberta Robinson to pay the Board the reasonable costs of the
2 investigation and enforcement of this case, pursuant to Code section 125.3; and

3 3. Taking such other and further action as deemed necessary and proper.

4 DATED: **FEB 11 2013**


Teresa Bello-Jones, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
State of California
Complainant

22 LA2012601880
23 accusation.rtf
24 dm/tv (10/17/2012)